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1614

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Jay D. Hunt *et al.*  
Serial No. 10/082,821  
Filed: February 25, 2002  
Title: A Platelet-Activating Factor Antagonist Inhibition of Angiogenesis and Tumor Growth Induced by Basic Fibroblast Growth Factor  
File No.: 00M28.1 Hunt

**STATUS INQUIRY IN RESPONSE TO NOTICE OF  
NON-COMPLIANT AMENDMENT MAILED IN ERROR**


Commissioner for Patents  
Attention: Brenda Gray, LIE  
P.O. Box 1450  
Alexandria, VA 22313-1450

On January 23, 2004, a Notice of Non-Compliant Amendment under 37 C.F.R. § 1.121 (see attachment 1) was mailed with regard to the Amendment filed in this application on December 22, 2003. This Notice indicated that a complete listing of all the claims was not present. Since all original claims were included in the amendment and only one minor revision was made (see Attachment 2 for copy of claims as submitted), our office telephoned the Legal Instruments Examiner for advice as to how to proceed. On January 28, 2004, Ms. Patterson returned our call. After viewing the Amendment and conferring with Supervisor Brenda Gray, Ms. Patterson confirmed that the Notice was mailed in error and indicated that it would be removed from the PTO system and a fax confirmation sent.

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**CERTIFICATE**

I hereby certify that this "Status Inquiry in Response to Notice of Non-Compliant Amendment Mail in Error." and two attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Attention: Brenda Gray, LIE, P.O. Box 1450, Alexandria, VA 22313-1450 on February 5, 2004.

  
\_\_\_\_\_  
Bonnie J. Davis  
Reg. No. 41,699

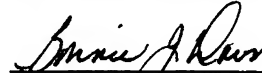
February 5, 2004

However, no confirmation of this action has been received by our office. Please correct the status of this application and provide written confirmation to:

Bonnie J. Davis  
Taylor, Porter, Brooks & Phillips L.L.P.  
P.O. Box 2471  
Baton Rouge, LA 70821

Thank you for your assistance.

Respectfully submitted,



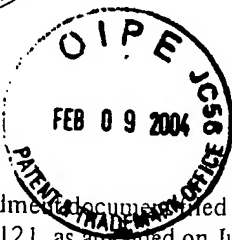
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Bonnie J. Davis  
Registration No. 41,699  
Taylor, Porter, Brooks & Phillips  
P.O. Box 2471  
Baton Rouge, Louisiana 70821  
(225) 387-3221

February 5, 2004



Paper No.



## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12-22-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

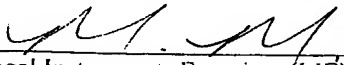
- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other: \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other: \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

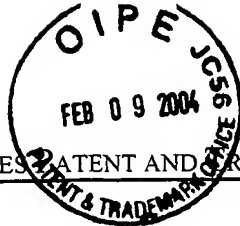
  
Legal Instruments Examiner (LIE)

308-4658

Telephone No.

Brenda Gray

308-0850



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,821	02/25/2002	Jay D. Hunt III	00M28.1 Hunt	1308
25547	7590	01/23/2004	EXAMINER	
PATENT DEPARTMENT TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P. P.O. BOX 2471 BATON ROUGE, LA 70821-2471			JONES, DWAYNE C	
			ART UNIT	PAPER NUMBER
			1614	

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
1-26-04  
TAYLOR, PORTER, BROOKS & PHILLIPS



## CLAIMS LISTING

1. (original) A method of inhibiting the growth of a tumor in a mammal, wherein the growth of the tumor depends on basic fibroblast growth factor-stimulated angiogenesis, said method comprising administering to the mammal a therapeutically effective amount of a bFGF-active PAF antagonist.
2. (original) The method of claim 1, wherein the bFGF-active PAF antagonist comprises tetrahydro-4,7,8,10 methyl-1 (chloro-2 phenyl)-6 (methoxy-4 phenyl-carbomoyl)-9 pyrido [4',3'-4,5] thieno [3,2-f] triazolo-1,2,4[4,3-a]diazepine-1,4 ("BN-50730").
3. (original) The method of claim 1, wherein the bFGF-active PAF antagonist comprises CV 3988.
4. (original) The method of claim 1, additionally comprising the step of administering to the mammal another compound that inhibits tumor angiogenesis.
5. (original) The method of claim 4, wherein the additional compound is chosen from a group comprising WEB 2086, INF-2 $\alpha$ , TNP-470, endostatin, SU 5416, SU 6668, batimistat, angiostatin, and celecoxib.
6. (original) The method of claim 1, wherein said administering of the bFGF-active PAF antagonist is performed by subcutaneous injection, intravenous injection, intraperitoneal injection, or transdermal absorption.

7. (original) The method of claim 1, wherein the mammal is a human.
8. (Currently amended) The method of claim 1, wherein the tumor is chosen from a group comprising carcinomas of the lung, breast, colon, stomach, pancreas, skin, uterus, cervix, vagina, penis, mouth, larynx, esophagus, liver, kidney or prostate; sarcomas of the muscle or connective tissue; osteosarcomas; neuroblastomas; glioblastomas; neuroblastomas; Hodgkin's disease lymphomas; non-Hodgkin's lymphomas; B-cell lymphomas; T-cell lymphomas; acute lymphocytic leukemias; chronic myeloid leukemia; acute myeloid leukemia; and non-malignant tumors.
9. (original) The method of claim 8, wherein the tumor is a form of carcinoma of the lung.
10. (original) The method of claim 8, wherein the tumor is a form of carcinoma of the prostate.